

**Town of Foxborough  
Conservation Commission Minutes  
January 12, 2015**

**Members Present:** Robert Boette (Chair), Eric Nelson (Clerk), Judith Johnson, Valerie Marshall, Michael Kelleher and James Marsh (at 7:30 p.m.)

**Members Absent:** Douglas Davis

**Staff Present:** Jane Sears Pierce, Conservation Manager, and Diana Gray, Land Use Administrator

**Others Present:** See attached sign-in sheet

**Meeting Opened**

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

**Public Comments**

George Ellerson of 134 South High Street wanted to know the purpose of the Conservation Commission. Mr. Boette explained what the Commission does, the regulations they use and how they protect wetlands.

**Lakeview Road Parcel, Potential Conservation Land Donation**

Atty. Frank Spillane met with the Commission on behalf of Briarwood Construction and the Loder Family. Atty. Spillane explained that the Loders had land on Lakeview Road that will be subject to a hearing on Thursday before the Zoning Board. The parcel contains 3.49 acres of wetlands abutting Lakeview Pond that the Loder Family wants to deed to the Town if the Variance is approved by the Zoning Board. If the Variance is not granted, they may pursue a small subdivision for the land.

The Commission members stated that they would be interested in acquiring the land as it is near other conservation land and is adjacent to Lakeview Pond.

Mr. Boette also stated that he has spoken with the property's abutter and former Conservation Commissioner Phil Kissinger, who would be willing to grant access through his property to connect the parcel to the large tract of conservation land that abuts his property on the opposite side.

Phil Kissinger of 25 Lakeview Road, in attendance, stated that he would be happy to grant an access easement to the Commission and is interested in keeping the land in its current natural state.

**73 Spring Street, Field Restoration Order Progress Update**

Ms. Pierce stated that the landowner, Mr. Cook, had been invited to attend the meeting but was not available. She noted that the property's wetlands are more than 500 feet away from the current ongoing work. Mr. Cook has a restoration order to restore the field and had stated to Ms. Pierce that he is in the process of doing the work, adding that the boulders on the site are for another project.

David Young of 71 Spring Street, who abuts the property, noted his concern about ATVs that he has observed that have been riding around on the property.

**June 23, 2014 Minutes**

**Motion** was made by Mr. Nelson to approve the minutes of June 23, 2014; seconded by Ms. Johnson. **Vote: 5-0-0**

**5 Wilkeson Way OoC, DEP #157-529**

Ms. Pierce had prepared an Order of Conditions for 5 Wilkeson Way for approval and signatures.

**Motion** was made by Ms. Johnson to sign the Order of Conditions for 5 Wilkeson Way, DEP #157-529; seconded by Ms. Marshall. **Vote: 5-0-0**

### **Loam Available**

Mr. Boette noted that it was announced at the Board of Selectmen's meeting that loam from ongoing site work on Rt. 1 was available for use in Town. Since it is not screened loam, it may not be adequate for use at the 87 North Street site, but it could probably be used to fill the Lincoln Hill property's old swimming pool.

### **Fisher Street ANRAD, DEP #157-530**

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. The Applicant's representatives, Attorney Frank Spillane and Lauren Hastings of PARE Corporation on behalf of Bay Colony Group were present.

Ms. Hastings explained that he had filed an ANRAD under the Wetlands Protection Act, but not under the Town's Wetlands Protection Bylaw, since a 40B application will be filed for this site. The property is a 19.8 acre wooded parcel that was flagged by Ms. Hastings on November 10, 2014.

Ms. Hastings described one isolated wetland (over an acre in size) that she discovered and flagged at the rear (bottom of the hill) of the property. She referred to the area as "Isolated Land Subject to Flooding," since she assumed that it would contain at least a quarter acre foot of water. Ms. Hastings stated that she had inspected the area closely, but there appeared to be no connection under Fisher Street between this wetland area and the wetlands on the opposite side of Fisher Street.

Ms. Pierce and Mr. Boette, who walked the property, had a few questions about some of the areas beyond the delineated wetland's boundaries. They recommended that the Commission and Ms. Hastings should schedule a site walk, since they had observed standing water in a nearby area on the site, which was probably due to a high water table.

*Mr. Marsh arrived at 7:30 p.m.*

A site walk was scheduled for January 17, 2015 at 9:00 a.m.; Atty. Spillane will check with the property owners, but stated that the site visit would probably not be open to the public.

John MacDonald of 4 Robert Street asked if the area was tied to the certified vernal pool on the other side of Fisher Street.

Daniel Kuenzel of 6 Robert Street noted that water bubbles up on Fisher Street after heavy rains.

Sean Miller of 3 Roberts Street stated that the DPW has been called about the water on the street and they may have come to look to see if there was leakage from the property.

Mr. Boette inquired as to the weather at the time that the survey was done. Ms. Hastings responded that it had been dry.

Phil Henderson of 3 Field Stone Road asked if perc tests had been done. Ms. Hastings wasn't sure. He also wanted to know if the septic systems had been reviewed. Ms. Hastings noted that this hearing was for the wetlands delineation, only; a site plan will be developed after the Commission approves the delineation and issues an ORAD.

Mr. Henderson also asked about vernal pools. Ms. Pierce noted that she had only observed one flooded area, but she didn't believe that it was a vernal pool, since the water was not deep enough and probably didn't have the necessary hydro period to support vernal pool species.

Bob Smith of 7 Sampson Road also had concerns about runoff and flooding.

Ari Weinstein of 112 South High Street asked if there will be any town studies of the wetlands. Mr. Boette stated that the ZBA would have a peer engineering review done as part of the 40B process that would look at the whole site, including the wetlands.

Matt Noone of 110 South High Street asked if there was ledge on the site. Mr. Boette advised that this type of issue was not something that the Commission would review and not part of the hearing.

The abutters wanted to know whether an older map, predating Fisher Street, could be found that would show the pre-existing wetlands. They also pointed out the inaccurate abutter names, shown on the plan. Ms. Marshall indicated that the plan should be corrected to reflect the current owners.

**Motion** made by Ms. Johnson to continue the Public Hearing for DEP 157-530 to January 26, 2015; seconded by Ms. Marshall. **Vote: 6-0-0**

### **225 Foxborough Boulevard NOI, DEP#157-531**

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. The Applicant, Bob Consadine and his representative, Engineer Jim DeVellis, were present. Mr. DeVellis explained that they would like to do some building and parking lot improvements to the site within 200 feet of Robinson Brook. Work is expected to start at the end of spring. They have been before the Planning Board who had no issues with the project.

The site's 50,000 sq. ft. two story building, built in 1988, has had no updates or upgrades since being built. It was occupied by a single tenant until recently so they would like to take the opportunity to upgrade the interior and exterior features of the building. The parking lot will be brought up to today's performance standards with a new Operation and Maintenance Plan, more stormwater infiltration into the ground and they are adding Stormcepters. There will be a slight increase in impervious areas, but they are adding underground infiltration. Impervious increase will be 8,000 to 9,000 sq. ft. The current handicapped parking is not in compliance with ADA standards and will be reconfigured. There should be no wetlands impacts, except for the stormwater.

The Commission asked for a snow storage/removal plan. Mr. DeVellis explained that it will be located the furthest away from the building using the drainage system that is already there.

Ms. Johnson asked that the landscape plan include native plants. Mr. DeVellis noted that the burning bushes will be removed and replaced with more appropriate plantings.

Mr. DeVellis also noted that the lighting will be upgraded.

Ms. Pierce explained that the current stormwater retention area, when previously approved, had been called an "emergent marsh" as was done in the past. She asked whether anything could be done to cleanse the stormwater before it entered the basin, since it currently appeared to be functioning as a wetland. She also suggested that they might need a Certificate of Compliance for previous projects, so they might want to check to see if any were filed at the Registry of Deeds.

Mr. DeVellis stated that the rainwater from the building will use the existing infiltration system. He also wanted to know whether Honey Locust trees were considered to be invasive species, since they wanted to use them in their parking lot landscaping plan.

**Motion** made by Ms. Marshall to close the Public Hearing for DEP #157-531; seconded by Ms. Johnson. **Vote: 5-0-0**

The Commission wanted the Order to include a condition that it superseded any other orders (to be specified) that had been issued by the Commission.

**Motion** made by Ms. Marshall to issue an Order of Conditions for 225 Foxborough Boulevard, DEP #157-531, with the condition that "This Order of Conditions supersedes any orders issued under DEP file #157-[number to be specified] by the Foxborough Conservation Commission"; seconded by Ms. Johnson. **Vote: 6-0-0**

### **Warrant Articles and FY16 Budget**

Ms. Pierce noted that a Warrant Article is needed to re-appropriate last year's CIP fund allocation for rental property maintenance from 89 North Street to 120 Spring Street.

The Advisory Committee meeting to discuss the budget is scheduled for January 28<sup>th</sup> at 7:15 p.m. at the McGinty Room.

Ms. Marshall asked that a copy of the budget be sent out to all of the Commission members.

**Meeting Adjourned**

**Motion** was made by Mr. Marsh to adjourn the meeting; seconded by Ms. Johnson. **Vote: 6-0-0**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 1/29/15

Approved by Commission: 3/23/15

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**Documents, Not Referenced Above**

Attached Documents

1. Agenda, January 12, 2015
2. Meeting Sign In Sheet

Location of Other Documents

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file